

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

3:09-cr-130

UNITED STATES OF AMERICA )

v. )

MOISES GARDUNO VALENCIA (3) )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** comes before the Court upon the defendant's pro se motion for trial documents relating to his initial appearance, guilty plea, hearing, and sentencing hearing. (Document No. 128). The defendant apparently seeks transcripts of these proceedings for his preparation of a 28 U.S.C. § 2241 attack on his sentence. (Id. at 1).

To obtain transcripts at government expense, a defendant must show that he is indigent and that the transcripts "are needed to decide the issue presented by the suit ..." 28 U.S.C. § 753(f). A prisoner is not entitled to free transcripts without a showing of need, merely to comb the record in hopes of discovering some flaw. United States v. Glass, 317 F.2d 200, 202 (4th Cir. 1963). Here, the defendant has not indicated any issue for which he believes the requested transcripts are necessary. Additionally, the requested transcripts do not pertain to any pending suit or appeal.

**IT IS, THEREFORE, ORDERED** that the defendant's request for transcripts is **DENIED**.

Signed: November 15, 2012



Robert J. Conrad, Jr.  
Chief United States District Judge

